IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1217 of 1986

For Approval and Signature:
HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJ STATE ROAD TRANSPORT CORPN - Appellant(s)
Versus
RAMESH JESING KOLI & 3 - Defendant(s)

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Appearance :
MS MAYA DESAI for Appellant(s) : 1,
MR GAURANG H BHATT for Defendant(s) : 1,
NOTICE SERVED for Respondent(s) : 2 & 3.
NONE for Respondent (s) :2 -3,
MR AS SHAH for Respondent No.4,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 01/08/2007

ORAL JUDGMENT

1. Heard Ms.Maya Desai, learned counsel for the appellant, Mr.Gaurang Bhatt, learned counsel for the respondent No.1 and Mr.A.S. Shah, learned counsel for the respondent No.4. None for the respondent Nos.2 and 3.

2. The appellant - Gujarat State Road Transport Corporation, being aggrieved by the award dtd.17/2/1986 passed by the Motor Accident Claim Tribunal (Main), Rajkot in Motor Accident Claim Petition No.174 of 1983, is before this Court with a submission that the tribunal was unjustified in awarding claim to the extent of 1,19,300=00. According to them, the award deserves to be reduced by Rs.44,000=00.

3. As the appellants are confining their claim to monetary liability only, it is not necessary for this Court to enter into the factual detail.

4. After taking me though the evidence, it was contended that the tribunal was unjustified in holding monetary loss to be Rs.450=00 per month and erred in applying multiplier of 15.

5. From the records it would appear that the respondent claimant had lost one leg, it was amputated below knee, he was working as Fitter in a factory and after loss of the leg, in fact, body infirmity should have been assessed at

higher percentage. However, as there are no Cross-Objections, I must hold that the tribunal was justified in holding body infirmity to the extent of 60%. After appreciating the evidence, the tribunal has found that though the evidence coming from proprietor of the business, is that the injured was earning Rs.1000=00 per month, the tribunal held that he might have been earning Rs.450=00 per month. In the opinion of this Court, the tribunal had taken the said income of Rs.450=00 as the total loss. No interference would be called for, because, on the strength of the evidence available on the records, it can safely be held that the injured was earning more than Rs.1000=00 per month and the loss for future income would be Rs.500=00 per month.

6. It was then submitted that the tribunal was unjustified in making an award of Rs.60,000=00 towards pain, shock and suffering, loss of amenities of life and enjoyment of life. The tribunal has given proper reasons for making such an award. True it is that in some of the judgement cited before the tribunal, an amount of Rs.35,000=00 was held to be a reasonable compensation, but those cases

were of the year 1970-72 and the present accident took place on 13/9/1983. By that time, prices were marching with a flag of hike and the index number has gone sky high.

7. I find no reason to interfere. The appeal deserves to and is accordingly dismissed. Interim relief, if any, is vacated. No costs.

(R.S. GARG, J.)

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